

## GOAL 2- COOPERATIVE FEDERALISM:

Rebalance the power between Washington and the states to create tangible environmental results for the American people.

### OBJECTIVE 2.1-ENHANCE SHARED ACCOUNTABILITY:

Improve environmental protection through joint governance and compliance assistance among state, tribal, local, and federal partners.

#### **US-Mexico Border Program: 2020**

The 1983 La Paz Agreement contains an organizational structure of coordinating bodies that includes U.S., tribes and states' executive officers and chairmanship, chaired by EPA's Regional Administrator and Mexico's federal delegate. They convened as a Regional Work Group (RWG) with a primary function to identify and prioritize regional implementation efforts that address the goals and objectives of Border 2020 (B2020). Region 6 has two RWGs: New Mexico-Texas-Chihuahua and Texas-Coahuila-Nueva Leon-Tamaulipas.

Border 2020, the latest environmental program implemented under the 1983 La Paz Agreement, is an 8-year, bi-national environmental program for the U.S.-Mexico border region which began in 2012. The program was developed by EPA and SEMARNAT, the U.S. border tribes, and the environmental agencies from each of the ten U.S. and Mexico border States. The mission of the Border 2020 program is to protect the environment and public health in the US-Mexico border region consistent with the principles of sustainable development. The program also encourages meaningful participation from communities and local stakeholders.

The Presidents of the United States and Mexico signed the Border Environment Cooperation Commission and North American Development Bank Agreement in November 1993, which created a bi-national program that that develops and funds environmental infrastructure projects for communities along the border. The projects include drinking water access, wastewater treatment, municipal solid waste, improving air quality, and water management among others. The Border Environment Cooperation Commission is responsible for working with communities on project development; the North American Development Bank Agreement provides financing and helps arrange other public and private sector funding.

The integration of Border Environment Cooperation Commission and North American Development Bank was approved by the U.S. and Mexican governments, with entry into force of the amended Charter in September of 2017. Border Environment Cooperation Commission merged with NADB and all Border Environment Cooperation Commission grants, contracts and other arrangements must be legally transferred to North American Development Bank in anticipation of the institutional integration. They have a joint Board of Directors, composed of members from the U.S. Department of Treasury, Department of State, U.S. EPA, and their Mexican counterpart agencies, as well as state and public representatives.

#### **Environmental Justice Forum**

In June 2018, Region 6 is planning to host a region-wide environmental justice forum to discuss solutions to environmental justice community concerns. The Environmental Justice Forum will bring together

state officials, community representatives, and local governments, and representatives from our state environmental agencies as part of an on-going strategy to understand community concerns and educate communities on environmental impacts.

Beginning in 2013, we held environmental justice workshops in each of the five states (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas) that culminated in the Environmental Justice Summit that was held in Dallas in 2016. Each of the state workshops and the Summit brought together grassroots organizations and partners, academia, local officials and government representatives to better understand concerns and challenges facing environmental justice communities. Participants discuss strategies and best practices for healthy communities and a collaborative action plan that addresses regional and state-wide environmental justice priorities. Each of our state environmental agencies have a program similar to EPA's environmental justice program.

On February 6, 2017 [the](#) Environmental Conference of States issued a report, titled "State Approaches to Community Engagement and Equity Considerations in Permitting," highlights efforts by Tennessee, California, New York, South Carolina, Mississippi and Minnesota to integrate EJ into their environmental permits, though it cautions that regulators' discretion in that area can be limited both by the terms of the Civil Rights Act's Title VI and state laws. The EPA released the Environmental Justice 2020 Action Agenda in October 2016. The final document incorporates relevant input from Environmental Conference of States, which represents many state environment agencies.

In October 2017, EPA announced nearly \$1.2 million in competitive grants selected for award to 36 locally-based community and tribal organizations working to address environmental justice issues in their communities. The grants enable organizations to conduct research, provide education, and develop community-driven solutions to local health and environmental issues in minority, low-income, and tribal communities. Region 6 received 4 grants. The ARC Foundation seeks to train up to 200 Oklahoma City residents on affordable water conservation practices for home use, as well as to bring more awareness to the community about the need to protect its natural water resources. Arkansas Interfaith Power & Light proposes to renovate and repurpose an abandoned building and lot to become a local community center where individuals in at-risk areas of Little Rock will be introduced to holistic solutions to local energy production and healthy food alternatives. Sandia Pueblo camps seek to address surface water impairment on the 19 Pueblo reservations by providing water quality monitoring trainings and improving educational outcomes for tribal youth in New Mexico. In New Orleans, T.R.E.E.'s Sunship III program brings 7th grade students from local, low-income schools to the outdoor classroom.

In order to ensure the most underserved and overburdened communities have a meaningful say in environmental protection and regulation, the Office of Environmental Justice moved to the Office of Policy in September 2017. The Office of Environmental Justice works in partnership with the Office of Sustainable Communities, which was renamed the Office of Community Revitalization, to support meaningful engagement and public participation across the agency and lead federal level coordination to consider overburdened community needs and the application of federal resources to meet those needs.

### **Osage County Underground Injection Control Program**

Region 6 continues issue and enforce compliance orders to require underground injection wells contributing to over pressurization of the subsurface zones to shut-in, and align operator permit and reporting requirements in Osage county with the requirements in other areas of the state.

Based on the Osage Allotment Act of 1906, the Osage Nation owns all subsurface mineral rights within Osage County (the largest county in Oklahoma at 2,304 mi<sup>2</sup>). The Osage Minerals Council develops and administers the Osage Mineral Estate. The Bureau of Indian Affairs, under delegation from the Secretary of the Interior, administers oil and gas resources in Osage County for the benefit of the Osage Nation. The Osage Minerals Council must consent to leases and the BIA Superintendent approves them. Since Osage County is Indian Country, EPA administers the Underground Injection Control program with assistance from the Osage Nation, per a Memorandum of Agreement.

In August 2016, Bureau of Indian Affairs alerted EPA to elevated levels of Total Dissolved Solids (TDS) (over 80,000 parts-per-million) in an upper tributary of North Bird Creek. The water supply for the city of Pawhuska, about 15 miles downstream, has not been impacted. After collecting a variety of data from three operators of five injection wells, EPA issued orders requiring the wells be shut-in. EPA held a hearing on October 11, 2017, related to proposed Administrative Orders sent to Warren American Oil Company, Jireh Resources LLC, and Novy Oil and Gas, Inc. All three respondents believe the contamination is a one-time occurrence and dispute EPA's contention that the Mississippi Chat is over-pressurized. EPA continues to monitor for any possible impacts to downstream users.

Two significant earthquakes (Magnitude 5.8 on 9/3/2016 and Magnitude 4.3 on 11/1/2016) highlighted areas of concern within Osage County. EPA, working closely with Oklahoma Corporation Commission, Osage Nation Minerals Council, Osage Nation, US Geological Survey and Bureau of Indian Affairs, responded quickly to these events to shut in, reduce or cap injection volumes in the appropriate disposal wells.

In an effort to strengthen Underground Injection Control permits for oil and gas related injection wells in Osage County, Ok, the Region has developed new permit conditions under its direct implementation program for Osage. The new requirements are consistent with permit conditions currently required under the Oklahoma Corporation Commission's injection well program. These include requirements for daily monitoring of injection pressures and volumes, and earthquake contingencies that would automatically require reduced injection volume or well shut-down if a nearby earthquake occurs. We plan to include these requirements in all new Osage UIC permits and to modify existing permits in a phased approach during calendar year 2018.

### **Oil & Gas Collaboration**

Region 6 is organizing a series of meetings with our state regulatory partners to discuss coordination in addressing issues and concerns related to the oil and gas industry. We will be travelling to each state capital over the next 6 to 8 weeks to meet jointly with the lead state environmental and state oil & gas regulatory agency. This effort is in support of Administrator Pruitt's July 2017 commitment for increased coordination and collaboration.

Another aspect of Administrator Pruitt's commitment is to convene a roundtable with representatives of the oil and gas sector and state regulatory agencies to discuss industry concerns and enhance communication while ensuring safe and responsible domestic oil and gas production. EPA has been

working with the Environmental Council of State (ECOS) and the Interstate Oil and Gas Compact Commission (IOGCC), which represent the state agencies that regulate the industry, to co-host the Oil and Natural Gas roundtable. The roundtable will bring together a small group of representatives from state agencies, tribes, industry, non-government organizations, and EPA. The discussions will focus on barriers to cost-effective and timely compliance, meaningful solutions and innovative examples.

In response to inquiries from state oil & gas regulatory agencies and individual companies, EPA has been examining technical innovations that would facilitate produced water management options beyond traditional disposal approaches. It is thought that these alternatives will address concerns raised by the public about the use of scarce water resources in times of draught and potential induced seismicity from disposal wells.